

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LAW OFFICES OF JEFFREY S. GLASSMAN, LLC., Movant,	)	
v.	)	Miscellaneous Action No.
MICHAEL FRUSTACI and RICK CUOMO, Respondents.	)	<b>(Related to Civil Action No. 1:15- CV-12939-LTS (D. Mass.))</b>

**NOTICE OF MOTION**

Pursuant to Fed. R. Civ. P. 45, Plaintiff The Law Offices of Jeffrey S. Glassman, LLC (the “GLO”) respectfully submits this motion to compel compliance with document subpoenas served on Michael Frustaci (“Frustaci”) and Rick Cuomo (“Cuomo”) who serve as experts for Metropolitan Property and Casualty Insurance Company and the Commerce Insurance Company (the “Carriers”) in connection with a civil action pending the United States District Court for the District of Massachusetts, captioned *Metropolitan Property and Casualty Insurance Company v. Savin Hill Family Chiropractic, Inc. et al.*, Civil Action No. 1:15-CV-12939-LTS (the “Underlying Action”). Specifically, the GLO seeks Frustaci’s and Cuomo’s productions in response to category 1 of the subpoenas including records reflecting payments made to Frustaci and Cuomo by the Carriers and any other insurance carriers. In the alternative, pursuant to Fed. R. Civ. P. 45(f), the GLO asks that the Court refer this motion to the Court in the Underlying Action from which the subpoenas were issued and which has familiarity with the discovery issues in this litigation.

Upon the annexed declaration, annexed exhibits, annexed memorandum of law, and reference to the docket in the Underlying Action, the GLO will move this Court located at 500 Pearl Street, New York, New York 10007-1312, Part 1, before the Part 1 Judge, on the 9th day of April 2019, at 11:00 AM, or as soon thereafter as can be heard for an Order.

The GLO prays that this Court grant relief:

- (1) compelling Frustaci and Cuomo to comply with the subpoenas;
- (2) requiring Frustaci and Cuomo to produce documents in response to category 1 of the subpoenas including records reflecting payments made to Frustaci and Cuomo by the Carriers and any other insurance carriers;
- (3) awarding the GLO its fees and costs incurred in bringing this motion;
- (4) in the alternative, transferring this matter to the United States District Court for the District of Massachusetts in the Underlying Action; and
- (5) granting such other and further relief that this Court deems just and proper.

Dated: March 7, 2019

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that, on March 7, 2019, a true and correct copy of the foregoing is being sent via email and first class mail to the following counsel for Michael Frustaci and Rick Cuomo:

Brian A. Suslak  
Morrison Mahoney  
250 Summer Street  
Boston, MA 02210

A handwritten signature in black ink, appearing to read "B. S. Pollack", written over a horizontal line.

Barry S. Pollack